

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Applicant	: Juan Aymami Bofarull, et al.	
Appln. No.	: 10/580,140	Confirmation No: 9252
Filed	: May 19, 2006	Group Art Unit: 1625
Title	: SUBSTITUTED QUINOLINES FOR THE TREATMENT OF CANCER	Examiner: Charanjit Aulakh

**COMMENTS ON NOTICE OF ALLOWABILITY,  
DETAILED ACTION, AMENDMENT, AND INTERVIEW SUMMARY**

MAIL STOP ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicants acknowledge with appreciation the allowance of claims 1-3, 7-11, 14, and 16-22 in the subject application by the Examiner. The Applicants agree with the Examiner's Detailed Action to the extent that claims 1-3, 7-11, 14, and 16-22 are patentable over the cited references in the record.

Applicants did accept by interview and hereby maintain their acceptance of the Examiner's Amendments to the claims, namely, the cancellation of claims 4-6, 12, 13, 15 and 23, without prejudice, and the amendment to claim 20. Applicants respectfully note that these claim cancellations and amendments were agreed to solely to expedite prosecution/allowance of the claims – Applicants respectfully note their continued belief that any cancelled subject matter including that with respect to the claim 20 amendments is/are patentable and Applicants reserve the right to pursue such subject matter in a future continuation or divisional application without prejudice.

Furthermore, the Applicants wish to note that although they agree that any cited art does not disclose, teach, suggest or motivate the presently-claimed subject matter, Applicants

expressly do not necessarily agree in or acquiesce to and reserve the right to traverse the Examiner's statements to the extent that any statement therein, or in any other part of the prosecution is intended to or has the direct or indirect effect of limiting any claim scope, explicitly or implicitly, or is intended to or has the direct or indirect effect of limiting any claim scope, explicitly or implicitly, by stating or implying that all the reasons for patentability are in any way fully enumerated or that they are allowable due to amendment. There may be a number of reasons for allowability which have not been listed or otherwise addressed. The Applicants specifically do not acquiesce or agree in any manner as to any assertion in the Detailed Action or other prosecution history that may be interpreted to narrow the claims to less than their recited and/or intended scope.

On this, Applicants also note the Patent Office policy as set forth in the August 8, 2003 letter of Stephen G. Kunin, then, the Deputy Commissioner for Patent Examination Policy, where he stated that "it is improper to use a statement of reasons for allowance to attempt to narrow a claim and create an *estoppel* ..." (italicization in the original). And see, MPEP 1302.14: "The examiner's statement of reasons for allowance is the personal opinion of the examiner as to why the claims are allowable. The examiner's statement should not create an *estoppel*."

The Applicants also note the previously cited art of record; however, other than agreeing with the allowability of the present subject matter, Applicants cannot hereby necessarily agree with any particular interpretation or application thereof, and thus reserve the right to traverse any and all such interpretations or applications at any time.

If there are any questions, please contact the undersigned attorney.

Date: April 14, 2010

Respectfully Submitted,

/peterbscull/

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